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Paper No. 47

Thomas D. Paul
Fulbright & Jaworski
1301 McKinney, Suite 5100
Houston, TX 77010-3095

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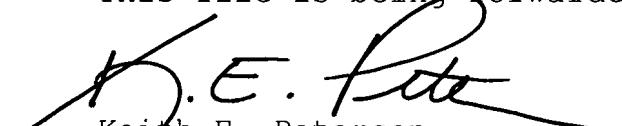
In re Patent No. 5582989 :
Issue Date: December 10, 1996 :
Application No. 08/315,673 :NOTICE
Filed: September 30, 1994 :
:

**SPECIAL PROGRAMS OFFICE
DAC FOR PATENTS**

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc., No. 97-1128, - 1280, -1453, 1998 U.S. App LEXIS 21409, at *30 (Fed. Cir. Sept. 1, 1998). Therefore, your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (703) 305-9285.

This file is being forwarded to the Files Repository.



Keith E. Peterson
Legal Instruments Examiner
Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects



Karen Creasy
Petitions Examiner

Filing Fees

- Basic Fee	\$435.00
- Ind. Claims > 3 (11)	\$495.00
- Claims > 20 (4)	\$44.00

Application No. 08/060,463

Filing Fees

- Basic Fee	\$435.00
- Ind. Claims > 3 (7)	\$315.00

Application No. 07/770,742

Notice of Appeal

\$175.00

3 Mo. Extension Fee

\$545.00

Filing Fees

- Basic Fee	\$475.00
- Ind. Claims > 3 (7)	\$364.00

TOTAL FEES DUE TO UNDERPAYMENT AS A SMALL ENTITY

\$4,533.00

The above includes the preceding applications of Patent No. 5,582,982. Applicants believe that no additional fees are due on Application No. 07/256,689 because Applicants' claim of small entity status was proper at the time Application No. 07/256,689 was filed.

Pursuant to 37 C.F.R. § 1.28(c) Applicants herewith submit the fees representing the difference between small and large entity status for those fees which were incorrectly submitted. Please charge the sum of \$4,533.00 to the deposit account of Fulbright & Jaworski L.L.P., Account No. 06-2375, under Order No. 883159/D-5050, from which the undersigned is authorized to draw. If any additional fees are due or missing please also withdraw these fees from the same deposit account. An additional copy of this letter is attached for accounting purposes.